REMARKS

In response to the office action dated April 26, 2007, Applicant is amending claims 1, 3, 5, 7-8, 9-10, 12-13, 14-15, 17-18, 19, 21-23, 25, 27-28, 30, 32-33 and 35. This includes all the independent claims: 1, 9, 14, 19, 27 and 32. Claims 1-36 are pending. Favorable consideration of the pending claims is requested.

The independent claims are being amended to recite that a user-selectable command appears in the menu (when the menu is displayed) due to an association between the user-selectable command and the menu. Moreover, the claims are amended to recite that this association can be ceased such that the menu does not contain the user-selectable command when displayed. Corresponding changes are made in some of the dependent claims as applicable.

These amendments are supported throughout the present disclosure. For example, it is described with reference to Figure 2B that the user-selectable command 270 is included in the menu 260 in response to the user selecting the "Create" input control 130. Spec. 9:18-19. Accordingly, the user-selectable command is associated with the menu so that it will appear in the menu when the menu is displayed. It is described that the user-selectable command 270 ceases to be displayed in the menu 260 upon being selected by the user (e.g., the user clicks on the command). Spec. 10:15-22. It is described that when the menu is not continuously displayed, the user may notice the disappearance of the command the next time the menu is opened. *Id.* Accordingly, the user-selectable command can cease to be associated with the menu upon the click by the user, so that the user-selectable command will not appear in the menu when the menu is displayed. Another example described in the disclosure is that the user-selectable command can disappear from the menu upon a predetermined event other than user deletion. Spec. 12:15—13:6. Accordingly, the user-selectable command ceases to be associated with the menu upon the predetermined event, so that the user-selectable command will not appear in the menu when the menu is displayed. No new matter is added.

Independent claims 9, 14, 27 and 32 are also being amended to replace the terms "information carrier" with "a device". These amendments are supported throughout the present

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disclosure. For example, it is mentioned that a computer program product can be tangibly embodied in a machine-readable storage device. Spec. 17:4-6. No new matter is added.

Rejections under § 101

Claims 9-18 were rejected under § 101 as allegedly directed to non-statutory subject matter. Without conceding that the rejections have merit, Applicant submits that the independent claims at issue have been amended to instead recite that the computer program product is tangibly embodied in a device, and requests that the rejection be withdrawn. However, Applicant reserves the right to revert to the original expression by a subsequent amendment.

Rejections under § 112

Claims 21-22 were rejected under § 112, second paragraph, due to the expression "the second user input." Applicant submits that this expression was used inadvertently and that it is clear from the preceding independent claim, and the remainder of the disclosure, that the "predetermined event" (as recited in the independent claim), was the intended phrase. Applicant thanks the Examiner for noting this and has made the proper amendment of these claims.

Rejections under § 103

Claims 1-36 were rejected under § 103(a) as allegedly unpatentable over U.S. 6,069,628 (Farry) in view of U.S. 5,668,962 (Kitami).

This rejection is rendered moot by the above amendments. Without conceding that the rejection has merit, Applicant will comment on differences between the present subject matter and the two references.

Independent claims 1, 9 and 14 relate to a user-selectable command that is associated with a menu upon creation of the command, wherein the command ceases to be associated with the menu in response to user selection of the command in the menu. Farry and Kitami, alone or in combination, fail to disclose or suggest such a user-selectable command, and also fail to disclose ceasing the association of the command with the menu in response to the user selecting the command.

Independent claims 19, 27 and 32 relate to a user-selectable command that is associated with a menu upon creation of the command, wherein the command ceases to be associated with the menu in response to a predetermined event other than user deletion. Farry and Kitami, alone or in combination, fail to disclose or suggest such a user-selectable command, and also fail to disclose ceasing the association of the command with the menu in response to a predetermined event other than user deletion.

Farry discloses navigating user interfaces. Farry title. Farry describes that a system configuration file 43 (Figure 3) is maintained for window characteristics and is used in navigating through window configurations. Farry 5:2-7. The Examiner noted that Farry does not disclose several aspects of the original claim (office action page 3) and Applicant agrees that at least these claim aspects are not shown or suggested by Farry.

Kitami discloses a window managing system for selecting a window in a user designated identifier list. Kitami title. Kitami describes that "the identifier list is a limited subset of all opened windows currently operating on the window system. In response to each depression of a key on the keyboard, a window is sequentially selected from the window identifier list." Kitami abstract. Thus, teaches Kitami, "the user is capable of selecting the window to be associated with a certain input merely by continuing to depress a particular key." Kitami 2:66—3:1. There is no disclosure in Kitami of a user-selectable command displayed in a menu. There is no disclosure in Kitami of such a user-selectable command ceasing to be associated with the menu in response to a user first selecting the command. There is also no disclosure in Kitami of such a user-selectable command ceasing to be associated with the menu in response to a predetermined event other than user deletion.

The Examiner cited to Kitami 4:10-17 as allegedly teaching a command displayed in a menu. Office action page 4. Applicant respectfully disagrees. The cited portion of Kitami merely describes that the user can click a keyboard key, or a mouse, to select between a loading mode and a deletion mode. The loading/deletion, moreover, is of windows to the identifier list, and does not describe a user activating a command for displaying the window. The window activation, in contrast, is done by continuing to depress a particular key, as taught by Kitami. Accordingly, Kitami does not disclose creation of the "user-selectable command for displaying

the selected panel", wherein such a command is displayed in a menu, as recited in all of the present independent claims.

The Examiner cited to Kitami 4:59-67 as allegedly teaching ceasing to display the command upon user selection, with regard to the independent claims 1, 9 and 14. Office action page 4. Applicant respectfully disagrees. The cited portion of Kitami merely describes deletion of a selected window identifier from the identifier list. As noted above, the window identifier does not meet the definition of the user-selectable command in the present claims because it is not displayed in a menu. Moreover, Kitami states that "the user selects a 'deletion' mode ..." which makes clear that this is a deliberate action by the user. This is in sharp contrast to ceasing the association between a user-selectable command and a menu in response to a user selecting the command itself. Accordingly, Kitami does not disclose "the user-selectable command ceases to be associated with the menu in response to receipt of the second user input such that the menu does not contain the user-selectable command when displayed" as recited in independent claims 1, 9 and 14. It follows that Kitami fails to teach at least the above-discussed aspects of independent claims 1, 9 and 14.

Regarding the original language of independent claims 19, 27 and 32, the Examiner acknowledged that "neither reference explicitly disclosed (sic) at least one of the plurality of user selectable commands ceases to be displayed in the menu upon occurrence of a predetermined event other that (sic) user deletion". Office action page 10. However, the Examiner asserted that "the user may choose to shut down the system, which in turn would remove the display of the entire menu and the user-selectable commands." *Id.*

Applicant respectfully asserts that the Examiner's hypothetical functions would not provide the functionality that is recited in independent claims 19, 27 and 32 as amended. This is because it is the "association" of the user-selectable command to the menu that ceases, "such that the menu when displayed does not contain the user-selectable command." Unlike Kitami, this can be done without actually closing down the system. As such, the present subject matter provides a distinct advantage over Kitami in that system shutdown is not required. It follows that Kitami fails to disclose the feature of independent claims 19, 27 and 32 of ceasing the association of the user-selectable command with the menu in response to a predetermined event other than user deletion.

In short, Farry and Kitami fail to teach or even suggest the above-discussed features of the present independent claims. It therefore cannot be said that Farry and Kitami, alone or in combination, render the present claims unpatentable.

Conclusion

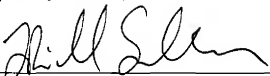Favorable consideration of the clams as amended is requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:_____7/17/07_____

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